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7 Attorneys for Defendants Groves Salmon
8 Charters, LLC and Joshua McDonald

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 GROVES SALMON CHARTERS, LLC;
16 JOSHUA McDONALD,

17 Defendants.

Case No. 3:22-cv-00156 (HRH)

18 **ANSWER TO COMPLAINT**

19 Defendants Groves Salmon Charters LLC and Joshua McDonald, through counsel,
20 Farley & Graves, P.C., hereby answer Plaintiff's Complaint as follows:

21 Answering paragraph 1, upon information and belief, Defendants admit there was a
22 wildland fire in July 2019 known as the Klutina River Fire and it burned acreage. Defendants
23 deny trespass, negligence and any violation of statutes.

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1 Answering paragraph 2, admit.

2 Answering paragraph 3, admit.

3 Answering paragraph 4, upon information and belief, admit.

4 Answering paragraph 5, admit.

5 Answering paragraph 6, deny.

6 Answering paragraph 7, admit.

7 Answering paragraph 8, admit.

8 Answering paragraph 9, admit “camping” was not one of the boxes checked.

9 Answering paragraph 10, Defendants admit the document contains this paragraph.

10 Answering paragraph 11, upon information and belief, admit.

11 Answering paragraph 12, admit.

12 Answering paragraph 13, upon information and belief, admit.

13 Answering paragraph 14, upon information and belief, admit.

14 Answering paragraph 15, admit the State issued temporary burn suspensions for several

15 areas of Alaska which meant no open debris burning or use of burn barrels (fires that already

16 require burn permits). The burn suspensions do NOT restrict the use of fires on private or State

17 of Alaska land for cooking, warming, and signaling fires as long as the fires are less than 3 feet

18 in diameter.

19 Answering paragraph 16, Defendants have insufficient information upon which to admit

20 or deny the allegations contained therein.

21 Answering paragraph 17, admit.

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1 Answering paragraph 18, admit.
2 Answering paragraph 19, deny.
3 Answering paragraph 20, deny.
4 Answering paragraph 21, deny.
5 Answering paragraph 22, deny.
6 Answering paragraphs 23 - 33, Defendants have insufficient information upon which to
7 admit or deny the allegations contained therein.
8 Answering paragraph 34, no response is necessary.
9 Answering paragraph 35, admit.
10 Answering paragraph 36, this paragraph attempts to state legal positions and therefore
11 no response is necessary. Defendants had a duty to comply with the law and act reasonably
12 under the circumstances. To the extent the Plaintiff misstates the facts and/or the legal duties
13 of the Defendants, the allegations are denied.
14 Answering paragraph 37, deny. No “failures were described in paragraph 35.
15 Answering paragraph 38, deny.
16 Answering paragraph 39, deny.
17 Answering paragraph 40, deny.
18 Answering paragraph 41, deny.
19 Answering paragraph 42, no response is necessary.
20 Answering paragraph 43, admit Defendant McDonald was at times on forested land
21 owned by Ahtna, Inc.
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1 Answering paragraph 44, admit Defendant McDonald set a camp fire of less than 3 feet
2 in diameter. Defendants deny he failed to exercise due care to prevent the uncontrolled spread
3 of fire.

4 Answering paragraph 45, deny.

5 Answering paragraph 46, deny.

6 Answering paragraph 47, Defendants deny they were the cause of the fire and,
7 therefore, these statutes do not apply to Defendants.

8 Answering paragraph 48, no response is necessary.

9 Answering paragraph 49, Defendants have insufficient information upon which to admit
10 or deny the allegations contained therein.

11 Answering paragraph 50, deny.

12 Answering paragraph 51, admit.

13 Answering paragraph 52, deny.

14 Answering paragraph 53, deny.

15 Answering paragraph 54, no response is necessary.

16 Answering paragraph 55, deny.

17 Answering paragraph 56, upon information and belief admit.

18 Answering paragraph 57, deny.

19 Answering paragraph 58, no response is necessary.

20 Answering paragraph 59, deny.

21 Answering paragraph 60, upon information and belief, admit.

- 1 Answering paragraph 61, upon information and belief, admit.
- 2 Answering paragraph 62, Defendants have insufficient information upon which to admit
- 3 or deny the allegations contained therein.
- 4 Answering paragraph 63, deny.
- 5 Answering paragraph 64, deny as to Defendants.
- 6 Answering paragraph 65, no response is necessary.
- 7 Answering paragraph 66, deny.
- 8 Answering paragraph 67, Defendants have insufficient information upon which to admit
- 9 or deny the allegations contained therein.
- 10 Answering paragraph 68, admit Defendants benefited from fire suppression efforts;
- 11 Defendants deny any failures.
- 12 Answering paragraph 69, deny.

13 AFFIRMATIVE DEFENSES

- 14 1. Plaintiff has failed in whole or in part to state a claim upon which relief may be
- 15 granted.
- 16 2. Defendants acted reasonably under the circumstances.
- 17 3. Defendants actions did not proximately cause the Klutina River fire.
- 18 4. The Klutina River fire was caused by third parties not within Defendants'
- 19 custody or control.
- 20 5. Defendants made every effort possible to extinguish the campfire.
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1 Defendants reserve the right to add such other affirmative defenses as discovery may
2 reveal.

3 WHEREFORE, having fully answered Plaintiff's complaint, Defendants request that
4 said complaint be dismissed with prejudice, and that Defendants be awarded their fees and
5 costs and granted such further relief as the Court may deem proper.

6 DATED this 26 of August 2022 at Anchorage, Alaska.

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8 FARLEY & GRAVES, P. C.

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18 Attorneys for Defendants Groves Salmon
19 Charters, LLC and Joshua McDonald

20 **CERTIFICATE OF SERVICE**

21 Pursuant to Civil Rule 5, I hereby certify that on
22 this 26 day of August 2022 a true and correct copy of
23 the foregoing was served electronically on the
following person(s):

Siobhan McIntyre Esq.
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, AK 99513-7567
Siobhan.McIntyre@usdoj.gov

By: s/Laura L. Farley

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